

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Stefon Johnson, Jr.,)
Plaintiff) Case No. 1:20-cv-149 (Erie)
vs.)
C.O. 1 Lesko, et al.,) HON. RICHARD A. LANZILLO
Defendants) UNITED STATES MAGISTRATE JUDGE
) ORDER ON MOTIONS FOR
) EXTENSION OF TIME AND FOR
) RECONSIDERATION OF MOTION TO
) APPOINT COUNSEL (ECF NOS. 49, 50)
)

Rule 16.1(C)(1) of the Local Rules of this Court requires that Plaintiff file a pretrial statement that includes, among other things:

- a. a brief narrative statement of the material facts that will be offered at trial;
- b. a statement of all damages claimed, including the amount and the method of calculation of all economic damages;
- c. the name, address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises, and identifying each witness as a liability and/or damage witness;
- d. the designation of those witnesses whose testimony is expected to be presented by means of a deposition and the designation of the portion of each deposition transcript (by page and line number) to be presented if already deposited ...;
- e. an appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those that the party expects to offer and those that the party may offer if the need arises and assigning an exhibit number to those that the party expects to offer....

LCvR 16.1(C)(1). This Court ordered Plaintiff to file his pretrial statement on or before September 14, 2021. *See* ECF No. 45. Plaintiff has now moved to extend this deadline. ECF No. 49. The

motion will be **GRANTED** in part and **DENIED** in part. Plaintiff's request to extend this deadline by ninety days is denied. However, the motion is granted and the deadline is extended by an additional forty-five days.

Plaintiff has also filed a motion seeking reconsideration of the Court's prior order denying his motion for appointment of counsel. *See* ECF No. 50. Upon consideration, and after an additional review of the factors set forth in *Tabron v. Grace*, 6 F.3d 147 (3d Cir. 1993), the motion for reconsideration is **DENIED**. Nothing material has changed in this case since the Plaintiff's last request. *See Max's Seafood Café ex rel. Lou-Ann, Inc., v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). And further, Plaintiff's motion for counsel was denied, without prejudice, to him moving for counsel at a later stage of these proceedings.

Accordingly, the Court **ORDERS** as follows:

1. On or before **Friday, October 29, 2021**, Plaintiff shall file his Pretrial Statement;
2. The deadline by which Defendants must file their motion for summary judgment is hereby extended to **30 days after Plaintiff files his Pretrial Statement**; and
3. The motion to reconsider this Court's prior order denying the appointment of counsel is denied.

So ordered this 17th day of August, 2021.



RICHARD A. LANZILLO
United States Magistrate Judge